

**BOARD OF ZONING APPEALS  
CITY OF WILLOUGHBY  
AUGUST 14, 2024  
PUBLIC HEARING MEETING  
MINUTES**

**PRESENT:** Mike Maniche; Mike Yutzy; Mike Ross, Vice Chairman  
**ABSENT:** Phil Davis; Joe Palmer, Chairman  
**OTHERS:** Mike Lucas, Law Director; Vicki Grinstead, Secretary

**Vice Chairman Ross called the regular meeting to order at 7:00 p.m.**

Vice Chairman Ross advised the participants of their right to be heard in person or by attorney present and/or proffer evidence present and examine witnesses and the subpoena of evidence and/or witnesses. Vice Chairman Ross advised the participants that the board has five members of which a majority of the board is needed to grant an appeal. Vice Chairman Ross stated all five members of the board are not present this evening and the applicants need a majority or three votes to pass their appeals. If an appeal is denied the applicant(s) has thirty days to file an appeal with the Lake County Court of Common Pleas. The appeal application, the letter of the meeting notification, the letter of non-compliance and the list of names and addresses of adjoining property owners within the required distant of the appellants were noted into the record.

**MINUTES**

**July 24, 2024**

Mr. Maniche moved to approve the Board of Zoning Appeals public hearing meeting minutes for July 24, 2024 as submitted and Mr. Yutzy seconded.

**ROLL CALL:** Yeas: Mr. Maniche; Mr. Yutzy; Mike Ross, Vice Chairman  
Nays: None  
Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried: Approved**

**OLD BUSINESS**

*This item remains tabled per applicant's request*  
**Asun Sathyanathan & Eliana Ramirez**  
2965 Steve Guard Ct.  
(Rep.- Casey Sovey, Esq.)

**Hedges within 25' of right-of-way**

**NEW BUSINESS**

**Mike Lamenta**  
4308 Grove Ave.  
(Rep.- Diane Bija, New Creation Builders)

**Detached garage**

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Vice Chairman Ross stated the applicant cited practical difficulty numbers 3 & 8 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Ms. Bija of New Creation Builders, 818 E. 73<sup>rd</sup> St., Cleveland, OH 44103 agent for the Lamenta residence was sworn in to speak for this appeal.

Ms. Bija said they were going to wait until the ordinance was passed for 800 sq. ft. sometime in October but they are trying to beat the bad weather. She said the applicant needs the space to park two cars and store lawn equipment and furniture. She said they feel this is an unsubstantial request of only an additional 96 sq. ft. She said he does have an existing shed but they will be demolishing his existing garage and replacing it with the new structure.

Vice Chairman Ross said the letter indicates the existing shed is 120 sq. ft. but the application says the shed is a 10x10 or 100 sq. ft. Ms. Bija confirmed it is a 10x10 or 100 sq. ft. shed. Vice Chairman Ross said this would reduce the variance from 96 sq. ft. to 76 sq. ft. There were no other questions from the board.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mr. Lamenta, homeowner of 4308 Grove Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Lamenta said he spoke to Karen Brooks back in May and that is when he was informed there was a 600 sq. ft. maximum. He said she mentioned to him, but made no guarantees, but indicated that this ordinance was under review and may be changed, so he waited until the end of June and assumed it passed so he proceeded to submit his application. He currently has a single car garage with an attached breezeway which is 22x24 so they are currently over the 600 sq. ft. allowed. He said he had some damage to the roof from a tree branch and the garage is in disrepair and he would like to build a new garage and asked for the board to approve his appeal.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mr. Robert McClendon, 37203 Park Ave., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. McClendon said he is the neighbor directly behind Mr. Lamenta and he does not have an issue with this garage. He would like the board to grant his appeal. He said it will help their property values.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.10(d)(2) and allow a 676 sq. ft. attached accessory building instead of the allowable 600 sq. ft. for the Lamenta residence, 4308 Grove Ave., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzy seconded.

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ROLL CALL: Yeas: Mr. Yutzy; Mr. Maniche; Mike Ross, Vice Chairman  
Nays: None  
Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried: APPROVED**

**Robert & Sonja Fishleigh**  
37818 Jordan Dr.

**Fence**

Mr. Maniche moved to table a variance for the Fishleigh residence, 37818 Jordan Dr., Willoughby, OH 44094 per the applicant's request and Mr. Yutzy seconded.

ROLL CALL: Yeas: Mr. Maniche; Mr. Yutzy; Mike Ross, Vice Chairman  
Nays: None  
Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried: TABLED**

**Nathaniel Griffin**  
38407 Gold Rush Dr.

**Fence**

Vice Chairman Ross stated the applicant cited practical difficulty numbers 1, 2, 3 & 8 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Griffin, homeowner of 38407 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Griffin said his back yard is incredibly dangerous and he has a toddler, a child on the way and two large dogs. They will not utilize their backyard until a barrier is constructed between his property and Lost Nation Road. He said there has also been trespassing from pedestrians walking along Lost Nation Road onto his property. He said his two large dogs are territorial and this is another reason he needs this fence. His yard is abnormally large and assessed heavily and an unsuccessful appeal today would render a quarter of his yard useless. His plan is to install an aluminum five foot high fence fourteen feet from the sidewalk and twenty feet from Lost Nation Road, and in his opinion does not impede any visibility.

Vice Chairman Ross said in the application there was not a picture of the style of fence he wishes to install and asked if he had a picture for the board to view. Mr. Griffin said he did not have a picture but it is a typical black aluminum fence that you see around pools. Vice Chairman Ross said that means it is completely see through and is for safety, not privacy, and Mr. Griffin said yes. Vice Chairman Ross asked if he could move it ten feet closer to the house. Mr. Griffin said he would prefer not to but he is open to suggestions, but his already giving up property and that would mean giving up more property.

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Mr. Maniche said his biggest concern was visibility but since it is a see through style fence it makes more sense. Mr. Griffin said his H.O.A. has approved this fence as well.

There was a brief discussion on a document submitted from the Building Dept.

Mr. Yutzy asked if the fence will be eight and a half feet from the neighbors white picket fence in the rear yard and Mr. Griffin said yes.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mr. Cody Kapostasy, 38432 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Kapostasy said he lives a few houses down, across the street from Mr. Griffin. He said Mr. Griffins great dane is large and a four foot fence would be disadvantageous for this property. He has the same fence Mr. Griffin is going to install and offered to show the board a picture. He also has kids and he knows they all want to keep their kids safe. He asked the board to approve the fence. There were no questions from the board members.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mr. Blaine Sweitzer, President of the Melrose Farms H.O.A., 38625 Melrose Farms Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Sweitzer said the Homeowners Association (H.O.A.) received the legal notice for the appeal. This fence is in compliance with the deed restrictions for the development. They have met with him several times and have reviewed his plans. He said their maximum height allowed is five feet for fencing and this is a black wrought iron style. The only concern the H.O.A. has, which is the city's concern, is the visibility.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Mr. Jason Laurinaitis, 38462 Gold Rush Dr., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Laurinaitis said people travel quite fast down Lost Nation Road and Mr. Griffin is on the corner and will have two young children and dogs and completely understands his position for installing a fence. There were no questions from the board members.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Ms. Eliana Ramirez, 2965 Steve Guard Ct., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Ramirez said after hearing the support of the H.O.A. she understands this is a dangerous area and with the support of the community she would like the board to approve the fence for safety and enjoyment of their property.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

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Mr. Yutzy moved to grant a variance to C.O. 1131.10(i)(2) complying with C.O. 1131.10(i)(1) and allow a 5' fence exceeding the maximum allowed height by 2' and 1' respectively instead of the allowable 3' fence for the Griffin residence, 38407 Gold Rush Dr., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Maniche seconded.

ROLL CALL:       Yeas:    Mr. Yutzy; Mr. Maniche; Mike Ross, Vice Chairman  
                      Nays:    None  
                      Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried:    APPROVED**

**Andrew and Kristin Logar**  
4706 River St.

**Detached garage**

Mr. Maniche moved to table a variance for the Logar residence, 4706 River St., Willoughby, OH 44094 per the applicant's request and Mr. Yutzy seconded.

ROLL CALL:       Yeas:    Mr. Maniche; Mr. Yutzy; Mike Ross, Vice Chairman  
                      Nays:    None  
                      Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried:    TABLED**

**Jack Geiger**  
38430 Wood Rd.

**RV Storage & Off-street  
parking**

Vice Chairman Ross stated the applicant cited practical difficulty number 3 on the application for appeal and noted all items that were in the packet.

Vice Chairman Ross asked if there was anyone who wished to speak for this appeal. Mr. Geiger, 38430 Wood Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Mr. Geiger said he has a class B motorhome and it is parked in front of his home and his neighbors do not have an issue with it. He wants to pour a concrete pad to store the RV on. He cannot get to his backyard because he has a vegetable garden on one side and flower gardens and trees on the other. The concrete pad he wishes to install will be 10' in front of his garage and said a lot of his neighbors have this as well.

Vice Chairman Ross said he has been on the board for six years and they have this request come in front of them all the time and he believes all of them have been denied because the board does not want to set a precedent. He is looking at an ariel view of the street and the neighbors that do have RV's have garages in the rear of their properties and their RV's are behind their houses. The board does not have a record of variances issued to the adjacent properties. Mr. Geiger asked if he cannot put his RV on this cement pad what can he do with it. Vice

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Chairman Ross asked if he could move the vegetable garden and Mr. Geiger said no, there is nowhere else that has sun. Vice Chairman Ross said he could possibly store it at an off-site storage facility.

Mr. Geiger said his neighbors do not have an issue with it and it is only like a sprinter van. Vice Chairman Ross asked if he could store it in his garage. Mr. Geiger said it is too tall and he would have to raise his roof to get it in there. Mr. Geiger said his only other option would be to sell it.

Mr. Maniche said this board does not want to set a precedent and have residents park recreational vehicles, boats, commercial vehicles etc. in their front yards. Mr. Geiger said his neighbors told him to install it and not mention it.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal. Ms. Mary Farley, 38405 Wood Rd., Willoughby, OH 44094 was sworn in to speak for this appeal.

Ms. Farley said she is a neighbor across the street from Mr. Griffin. The neighbors are in agreement for this variance. She said this is a camper van and there are other camper vans, boats, trailers etc. on the street and people move them around. It is unfortunate that he had to go through this process and now the city knows he has this camper van.

Vice Chairman Ross asked if there was anyone else who wished to speak for this appeal (x3) and there was no one.

Vice Chairman Ross asked if there was anyone who wished to speak against this appeal (x3) and there was no one.

Mr. Maniche moved to grant a variance to C.O. 1131.10(a) and allow off-street parking of a recreational vehicle in the front yard instead of the allowable rear yard for the Geiger residence, 38430 Wood Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzky seconded.

ROLL CALL:           Yeas:     None  
                          Nays:     Mr. Yutzky; Mr. Maniche; Mike Ross, Vice Chairman  
                          Absent:  Mr. Davis; J. Palmer, Chairman

**Motion Carried:     DENIED**

Mr. Maniche moved to grant a variance to C.O. 1131.10(f) and allow a recreational vehicle to be parked in the front yard instead of the allowable rear yard on a paved or gravel surface for the Geiger residence, 38430 Wood Rd., Willoughby, OH 44094; citing C.O. 1109.09(b) and Mr. Yutzky seconded.

ROLL CALL:           Yeas:     None  
                          Nays:     Mr. Maniche; Mr. Yutzky; Mike Ross, Vice Chairman  
                          Absent:  Mr. Davis; J. Palmer, Chairman

**Motion Carried:     DENIED**

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**Richard Michalski**  
37308 Park Ave.

**Front porch-already constructed**

Mr. Maniche moved to table a variance for the Michalski residence, 37308 Park Ave., Willoughby, OH 44094 per the applicant's request and Mr. Yutzy seconded.

ROLL CALL:       Yeas:     Mr. Yutzy; Mr. Maniche; Mike Ross, Vice Chairman  
                      Nays:     None  
                      Absent:  Mr. Davis; J. Palmer, Chairman

**Motion Carried:     TABLED**

**BDFM Inc.**  
(Rep.- Mike Lucas, Law Director)

**Findings and conclusions of fact**

Mr. Maniche moved to the Findings and conclusions of fact for the City of Willoughby Law Department, One Public Sq., Willoughby, OH 44094 and Mr. Yutzy seconded.

Mr. Lucas said this is in regard to a Board of Zoning Appeals meeting held on January 24, 2024 with reference to an issue involving The News Herald building on Vine Street. He said Mr. Lyons, Esq., a representative from The News Herald, Doug Morgan, property manager for the property and Bob Dimly, owner of BDFM, who was present but did not speak were all present at this meeting.

Mr. Lucas said there were three separate issues that Mr. Lyons presented; one for purposes of appeal saying that the Building Department did not correctly interpret the use of this property, the second one was asking for a use variance, and the third one was asking for a use variance because it was a non-conforming use that was still in existence, specifically the auto activity. The garage was a meddlesome issue because it was used by Allstate for claim damage assessment. The vehicle would pull in and they would take photographs of the damage and then the car would be removed. This use was determined by the board to be a bit in excess of the previous auto activity. It was pretty clear the board viewed this operation as a distributorship. There had been complaints made that prompted the non-conforming citation for the permitted use.

Mr. Lucas said the applicant filed a notice of appeal with the Lake County Court of Common Pleas and the matter is pending. As part of the appeal the appellee, which is the Board of Zoning Appeals, is required to transmit the entire transcript of the proceedings, which was typed up by a court reporter. He said this also includes all of the documents that were introduced and will be of reference in terms of the Codified Ordinances. Secondly, and independently, and of equal importance is the Finding of conclusions of fact that served as the basis for the decision and this is what he has prepared based on the transcript. He said every argument that attorney Lyons submitted on behalf of the applicant is included within the findings. He noted primarily, for Mr. Ross, that the finding reflect the actions of the board in terms of what they determined. He mentioned this specifically because Mr. Ross voted consistently in favor of what the applicant was requesting. He mentioned this specifically because when the board approves this, you are approving this in terms of the actions that are taken by the board. It does not necessarily reflect that Mr. Ross approves of what the board did. Mr. Ross said he understood it does not reflect his opinion. Mr. Lucas said it is the consensus of the board. The findings reflect what happened with the board and their decision making and not Mr. Ross's opinion, which was contrary to what the 4 of 5 members of

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the board approved. He said by signing this document you are basically approving the facts on the document as written. Mr. Maniche said these are not the minutes though. Mr. Lucas said the minutes are part of the record that are included in the overall transcript and secondly and independently, the city had the entire meeting transcribed by a court reporter. Mr. Maniche said the reason he asked was because the lawyer admitted it was a distribution center. Mr. Lucas said Mr. Maniche was correct but it was not the lawyer but that statement was made by Mr. Myers who was representative of the owner. Mr. Maniche said in the tapes, submitted via email, the trucks beeped but the tape was not played at the meeting. Mr. Lucas said he spoke with Mr. Lyons after the meeting and said the reason for him not playing the tapes was because he could not recall if the trucks beeped or not. Mr. Maniche asked if he submitted this to the board would it be evidence in the case and Mr. Lucas said no because it was not submitted officially. Mr. Lucas said Mr. Myers of The News Herald inadvertently used the term distributor and someone on the board indicated you just used the word distributor and then he said he meant circulated. Mr. Maniche said he looked up these two words and they were synonymous and Mr. Myers agreed with him.

Mr. Lucas said they will need a motion on the findings and conclusions of fact regarding the BDFM appeal, and a second. The board members present will need to sign the document so he can submit it with the court tomorrow.

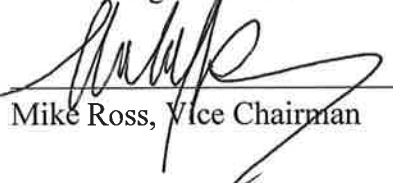
Mr. Maniche moved to make a motion to approve the findings and conclusions of fact for BDFM Inc., for the property located at 36625 Vine St., Willoughby, OH 44094 and Mr. Yutzy seconded.

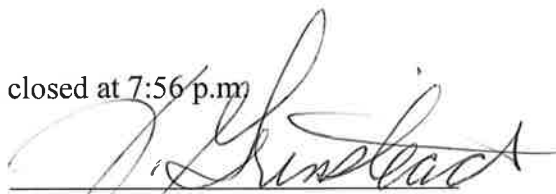
ROLL CALL:           Yeas:    Mr. Maniche; Mr. Yutzy; Mike Ross, Vice Chairman  
                              Nays:   None  
                              Absent: Mr. Davis; J. Palmer, Chairman

**Motion Carried:    APPROVED**

Mr. Lucas has a point of information he would like to update the board on. City Council at last night's meeting (August 13, 2024) approved the two matters the Law Dept. submitted regarding the maximum size of accessory buildings which has been increased from 600 sq. ft. to 800 sq. ft. They also approved a corner lot/fencing modification; however, these will not go into effect for thirty days. He will email the modifications over to Mrs. Grinstead and she can pass the information along to the board.

There being no further business the regular meeting closed at 7:56 p.m.

  
Mike Ross, Vice Chairman

  
Vicki Grinstead, Secretary